

House of Representatives,
Olympia, Wash., February 17, 1949.

Mr. SPEAKER:

We, a majority of your Committee on Colleges and Universities, to whom was referred Senate Bill No. 71, increasing number of permissible scholarship awards at the state college and university, have had the same under consideration, and we respectfully report the same back to the House with the recommendation that it do pass.

JOHN N. WILSON, Chairman.

We concur in this report: Eva Anderson, Vaughan Brown, Wesley Eldridge, R. Mort Frayn, Russell T. Hoopingarner, Marshall A. Neill, Ole H. Olson, George V. Powell, Emma Abbott Ridgway, Edward F. Riley, Nat W. Washington, R. C. (Brigham) Young, Harold (Judge) Zent.

Passed to second reading.

House of Representatives,
Olympia, Wash., February 18, 1949.

Mr. SPEAKER:

We, a majority of your Judiciary Committee, to whom was referred Senate Joint Resolution No. 9, exempting Canadians from alien land restrictions, have had the same under consideration, and we respectfully report the same back to the House with the recommendation that it do pass.

ARTHUR R. PAULSEN, Chairman.

We concur in this report: Robert E. Blair, Vaughan Brown, Paul Coughlin, Elmer E. Johnston, Tony P. Mardesich, George V. Powell, O. R. Schumann, Patrick D. Sutherland.

Passed to second reading.

REPORT OF FREE CONFERENCE COMMITTEE

Olympia, Wash., February 17, 1949.

Mr. PRESIDENT:

Mr. SPEAKER:

We, of your Free Conference Committee, to whom was referred Engrossed Senate Bill No. 29, entitled "An Act fixing the compensation of legislators and judges of the supreme and superior courts; repealing Chapter 173, Laws of 1941, and Chapter 4, Laws of 1945; amending section 1, Chapter 57, Laws of 1907, as last amended by section 1, Chapter 194, Laws of 1947; and declaring an emergency," have had the same under consideration, and we are unable to agree and respectfully ask to be relieved from further consideration of this bill.

Senate Members

FRANK T. OSTRANDER,
ALBERT D. ROSELLINI,
CARLTON I. SEARS.

House Members

W. E. CARTY,
JOHN L. O'BRIEN,
WESLEY R. ELDRIDGE.

MOTION

On motion of Mr. Carty, the House adopted the report of the Free Conference Committee on Engrossed Senate Bill No. 29, and the committee was relieved from further consideration of Engrossed Senate Bill No. 29.

The Speaker appointed as House members of a new Free Conference Committee on Engrossed Senate Bill No. 29, Representatives Ford, Gallagher (Bernard J.) and Thompson.

REPORT OF SPECIAL COMMITTEE

House of Representatives,
Olympia, Wash., February 18, 1949.

Mr. SPEAKER:

We, the Committee to which was referred the Report of the Joint Fact-Finding Committee on Un-American Activities established by the Thirtieth Session of the Legislature under House Concurrent Resolution No. 10, having had the same under consideration, respectfully report back to the House as follows:

The Joint Committee was created to conduct an impartial and thorough investigation into those activities which the Legislature felt might jeopardize the traditional American system of liberty under law which we enjoy under our constitutional and common law heritage.

In any investigation of the attachment of individuals or groups to that American system, it is in harmony with the spirit of that system that the Legislature or its authorized committee show an understanding of and a zealotness for the fundamental principals upon which it is based. Emphasizing that principle, we concur in the recommendation of the Joint Committee that the investigation of Un-American Activities be continued and adequately financed.

The investigation should cover the activities defined as Un-American by the following language of the Brookings Institution in its booklet "Suggested Standards for Determining Un-American Activities," which was quoted in part in the Committee Report:

"1. It is un-American for any individual or group by force, intimidation, deceit, fraud or bribery, to prevent or seek to prevent any person from exercising any right or privilege which cannot constitutionally be denied to him either by the federal government or by a state government.

"2. It is un-American for any individual to advocate, to conspire, or to attempt to bring about a change in the form of government in the United States without following the processes prescribed for that purpose by the Constitution of the United States and by the constitutions of the several states.

"3. It is un-American for any person secretly to conspire by any methods, constitutional or otherwise, to overthrow or attempt to overthrow a government of law and to substitute therefor a government vested with complete discretionary power.

"4. It is un-American for any person with the primary intent to advance the interests of a foreign nation or association to take action clearly and definitely against the interests of the United States, provided the interests of the United States have been properly formulated and declared by a duly authorized governmental agency proceeding in accordance with law. Receipt of compensation from any foreign nation or association or representatives thereof would create a presumption of primary intent.

"5. In time of war or threatened war, it is un-American for any person with the intent to interfere with the successful preparation for or prosecution of war or with the intent to give assistance to the enemy or to a non-belligerent neutral allied with or promoting the interests of that enemy or prospective enemy, publicly to advocate, or to conspire to promote the advocacy of, any doctrine that hampers the execution of policies already adopted by the nation through due process of law to carry on or prepare for war."

We concur in the recommendation of the Joint Committee that the right of an individual to counsel when testifying at a legislative committee hearing or when appearing before such a committee in executive session should be clearly set forth. This right to counsel properly includes all the substantial elements of representation in any other contested matter.

As the committee report suggests, legislative committees have to contend with limitations of time and the energies of individual committee members. Unlimited cross-examination of witnesses would place a great burden on the committee and might encourage obstructive tactics. We concur in the Committee's recommendation of a limitation on cross-examination of witnesses. We recommend a code of rules be published expressly setting forth the right of cross-examination and the limitations thereon together with other rules of procedure.

The law should also state specifically the legal immunities to which a witness testifying before a legislative committee is entitled.

Your Committee feels that the present penalties for perjury before a legislative committee are sufficiently severe. We concur in the recommendation that the law relating to contempt before legislative committees be amended to include disorderly conduct of witnesses or of counsel which interferes with the orderly progress of a hearing. Such a hearing is authorized to find facts and should be conducted in an atmosphere and according to a procedure which is conducive to the dispassionate discovery of the truth.

Recommendations (4), (5), (6) and (7) relate to the participation in communist activities of public employes and other recipients of public funds. The question is whether the government can, consistently with our American way of life as expressed in our National and State Constitutions, set up a different standard of citizenship for those who receive funds of the state, from that which applies to other citizens.

Welfare payments are made on the basis of need as defined by statute. Such payments should not be conditioned by the imposition of any other standards.

Realizing that tax funds may be used to contribute support to un-American activities as previously defined in this Report, and regretting that possibility, your committee's judgment is that to require a pension or a welfare recipient to state under oath that he is not a member of an un-American organization and that he will not use such funds to finance any such organization is futile, unrealistic and unworkable.

In the case of employes, the government, like any other employer, ought to have the authority to insist on undivided loyalty. While public employment should be open to all who can qualify for the available positions, where the duties performed are sensitive in nature and affect national security, justification for differentiation exists. In these cases, the state official responsible for the performance of such duties should be directed to require as a condition of, and as a continuing prerequisite for retention of employment, a clearance certificate from the Federal Bureau of Investigation or other appropriate Federal authorities.

Recommendation (7), seeking to apply an involved and cumbersome formula for communism, is also unrealistic. It is also objectionable because it imports into our government personnel policy a greatly expanded concept of guilt by association which is foreign to our American ideas of due process of law. As the United States Supreme Court said in the case of *Kotteakos v. United States*, 328 U. S. 750, 772 (1946), "Guilt with us remains individual and personal. It is not a matter of mass application."

By recommendation (8) of the report, the Joint Committee advocates relaxation of the libel and slander laws to withdraw the remedy of an action from an individual who has been labeled as a communist if it can be proved that he is a member of three or more communist front organizations officially declared subversive. The burden of proof as to loyalty would be shifted to the person so affiliated.

We consider the legal remedies against slander are of prime importance. It acts as a precautionary influence on those issuing public statements and encourages the speaker or the publisher to check his facts before entering the rostrum or authorizing publication of the article.

We believe that the requirement of the provable truth is a salutary influence on speakers and newspaper publishers, has stood the test of time, and should be retained.

In view of the American principle that involvement in a matter which calls for public approbrium should be a personal and provable involvement, and not necessarily result from mere association, we do not concur in recommendation (8).

Recommendations (11) and (12) deal with the tax supported schools of our state. While it is very important that our public schools remain free from any threat of subversive activities, we have great faith in the local boards of education and the other agencies responsible for the administration of the schools. We believe that the integrity of the teaching force and the objectivity of the teaching material can continue to be safely entrusted to them.

ARTHUR R. PAULSEN, Chairman.

We concur in this report: Vaughan Brown, A. B. Comfort, Robert M. Ford, George V. Powell, Nat W. Washington.

MOTION

Mr. Paulsen moved that the report of the special committee be adopted and the committee be discharged from further consideration of the Report of the Joint Fact-Finding Committee on Un-American Activities.

The motion was carried.

The report of the special committee on Un-American Activities was referred to the Committee on State Government.

MOTION

Mr. Allen moved that the Sergeant-at-Arms be instructed to remove from a stand in front of the entrance to the House Chamber the sheets known as the "Peoples World" which is not a newspaper but a propaganda organ.

The motion was carried and the Sergeant-at-Arms so instructed.